

REMARKS

The above-identified patent application has been amended and reconsideration and reexamination are requested.

The Examiner objected to the specification as having a typographical error on page 4, line 23.

Applicants amended the specification to correct the typographical error. No new matter was added.

The Examiner objected to Claim 34 as containing two typographical errors.

Applicants amended Claim 34 to correct the two typographical errors. No new matter was added.

The Examiner rejected Claims 4, 19 and 28-37 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Specifically, the Examiner objected to the usage of "and/or" in the claims and the lack of antecedent basis for terms used in the claims.

Applicants have amended Claims 4, 19 and 30 to eliminate the use of "and/or". Applicants have amended claims 28, 33, and 36 to provide proper antecedent basis for all claim limitations. No new matter was added.

The Examiner rejected Claims 1-35 and 37 under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent 5,987,432 (Zusman et al.)

Applicants Claim 1 calls for "... translating a portion of the received messages into market event messages having a common format, the market event messages including market activity data and time data..."

Zusman et al. neither describes nor suggests translating a portion of the received messages into market event messages. Zusman et al., at column 6, lines 26-31, discloses "...a CTP 22 collecting, validating, normalizing and enhancing financial market data... and producing output data messages having a standardized message format..."

In effect, Zusman et al. is generating financial market data in a standardized format. Zusman et al. neither describes nor suggests translating into market event messages. Applicants'

Claim 1 calls for translating a portion of the received messages into market event messages. Translating does not equate to collecting, validating, normalizing and enhancing. To translate means to put into simpler terms, to explain or interpret, to express in different words, to paraphrase, to change from one form, function, or state to another, to convert or transform. Accordingly, Claim 1 is patentably distinct over Zusman et al.

Applicants' Claim 16 includes "...translate the received messages into market event messages having a common format, the market event messages including market activity data and time data." Zusman et al. neither describes nor suggests translate the received messages into market event messages having a common format. Accordingly, Claim 16 is patentably distinct over Zusman et al.

Applicants' Claim 28, as amended, calls for "... each server being configured to: ... receive a plurality of incoming messages for market events from the data feed lines coupled thereto; translate the received incoming messages into market event messages having a common format..." Zusman et al. neither describes nor suggests translate the received incoming messages into market event messages having a common format. Accordingly, Claim 28 is patentably distinct over Zusman et al.

The Examiner rejected claim 1-9, 14-22, 27-34, 36 and 37 under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent 5,864,827 (Wilson).

Applicants Claim 1 calls for "... translating a portion of the received messages into market event messages having a common format, the market event messages including market activity data and time data..." Wilson neither describes nor suggests translating a portion of the received messages into market event messages. Accordingly, Wilson cannot anticipate Claim 1.

Wilson, at col. 6, lines 58-60, discloses "(e)ach transaction is then translated in step 108 from FIX protocol into the proper protocol for the exchange to which it is to be transmitted." Thus, Wilson provides translation of a message arriving in one protocol to the message leaving in another protocol. Wilson and Zusman et al. fail to teach translating a portion of the received messages into market event messages. Wilson is directed at translating one message format to another message format. Zusman et al. is directed to collecting, validating, normalizing and enhancing financial market data and producing output data messages having a standardized

message format. Accordingly, Claim 1 is patentable over Wilson and Zusman et al., whether taken separately or in combination.

Wilson and Zusman et al. fail to teach "translate the received messages into market event messages" (Claim 16) and "translate the received incoming messages into market event messages" (Claim 28). Accordingly, Claims 16 and 28 are patentable over Wilson and Zusman et al., whether taken separately or in combination.

The Examiner rejected Claims 1-37 under 35 U.S.C. §103(a) as being obvious over 6,016,107 (Kampe et al.).

Kampe et al. neither describes nor suggests "translating a portion of the received messages into market event messages" (Claim 1), "translate the received messages into market event messages" (Claim 16) and "translate the received incoming messages into market event messages" (Claim 28). Kampe et al. merely teaches a selective call system 100 for generating and transmitting a selective call signal (or communication signal)..." (Col 3, lines 7-9) Kampe et al. cannot obviate the Applicants' claim invention since Kampe et al. does not teach or suggest translation into market event messages.

The Examiner takes the position that to the extent that Kampe et al. could be interpreted not disclose market event data, as broadly recited, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Kampe et al. for receiving and publishing market data as a means of providing customers with timely market event data for trading and portfolio management.

On the contrary, as stated above, Kampe et al. merely discloses receiving information and publishing that information. Applicants' claimed invention translates received messages into market event messages, the market event messages being in a common format, while Kampe et al. translates received messages into received messages of a common format. One skilled in this art would not be lead to Kampe et al. to provide commonly formatted market event messages translated from received messages. According, Kampe et al. does not render Claims 1, 16 and 28 obvious.

The Examiner rejected Claim 36 under 35 U.S.C. §103(a) as being obvious over 6,016,107 (Zusman et al.).

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Claim 36 depends upon, and further limits, Claim 28. Claim 28 is not rendered obvious by Zusman et al. Accordingly, Claim 36 is not rendered obvious by Zusman et al.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be allowed. Enclosed is a Enter \$ amount check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Version with markings to show changes made

In the specification:

Paragraph beginning at page 4, lines 23-24 have been amended as follows:

FIG. 13D is a class diagram of one embodiment [embodiment] of the alert engine service object of the program of FIGS. 11 and 12;

In the claims:

Claims 4, 19, 28, 30, 33, 34 and 36 have been amended as follows:

4. (Amended) The method of claim 1, wherein the incoming messages comprise any combination of trading quotations, indices, volumes, exchange halts, [and/or] and trading parties.

19. (Amended) The product of claim 16, wherein the incoming messages comprise any combination of trading quotations, indices, volumes, exchange halts, [and/or] and trading parties.

28. (Amended) A system to receive and format incoming messages received from a plurality of data feed lines, comprising:

a network; and

a plurality of line handlers, each line handler having a server coupled to both a data feed line and to the network, [the servers] each server being configured to:

receive a plurality of incoming messages for market events from the data feed lines coupled thereto;

translate the received incoming messages into market event messages having a common format; and

publish a portion of the translated messages on the network; and

wherein the market event messages from each server have the same format.

30. (Amended) The system of claim 28, wherein the incoming messages comprise any combination of trading quotations, indices, volumes, exchange halts, [and/or] and trading parties.

33. (Amended) The system of claim 28, wherein each [computer] server is configured with a software program to cause the computer to:
receive the incoming messages;
translate the received incoming messages; and
publish a portion of the translated messages on the network.

34. (Amended) The system of claim 33, wherein the program includes [an] a receiver object to receive incoming messages, a translating object to translate the incoming messages, and a publishing object to publishes translated messages.

36. (Amended) The system of claim 30, wherein each server [the computers are servers and the software program is a] executes an NT software program and the network operates according to an NT compatible protocol.